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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,242	02/27/2004	David Edward Cooper	L9289.04115	1261

24257 7590 02/09/2007  
STEVENS DAVIS MILLER & MOSHER, LLP  
1615 L STREET, NW  
SUITE 850  
WASHINGTON, DC 20036

EXAMINER
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PORTIS, SHANTELL L

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/787,242	COOPER, DAVID EDWARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shantell Portis	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/27/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 4-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claims 4-7 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Oksala, U.S. Patent No. 6,477,151.

**Regarding Claim 1, Oksala discloses** a method for controlling packet data transmissions in a TDMA communications system wherein transmitters and receivers share channel resources dynamically for uplink and downlink operating periods and where allocations of measurement and recovery periods between uplink and downlink periods and between downlink and uplink periods are prescribed characterised by re-allocation of measurement periods to increase the availability of uplink resources when uplink resources are otherwise constrained by prescribed allocations of measurement periods (Col. 3, lines 59-67 and Col. 4, line 43-Col. 5, line 9).

**Regarding Claim 2, Oksala discloses** where the time division for access is by consecutive frames of eight slots (Col. 4, lines 38-41).

**Regarding Claim 3, Oksala discloses** in which the communications system is a General Packet Radio System (Col. 4, lines 38-41).

**Regarding Claim 8, Oksala discloses** a mobile station operating extended dynamic allocation within a GPRS system and in which on receipt of an allocation of N packet data channels computes a value  $N + T_{\text{sub.ra}} + 3$  and uses the measurement and recovery period  $T_{\text{sub.ra}}$  for values not greater than 8 or the measurement and recovery period  $T_{\text{ta}}$  for values greater than 8 (**Oksala discloses the overall concept of dynamic resource allocation where specific time slots are allocated for downlink and uplink communications on a given channel by means of the timing advance value and timing advance index allocated to the mobile station; Col. 6, line 46-Col. 7, line 10).**

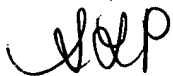
**Regarding Claim 9, Oksala discloses** a base station operating with a mobile station in a GPRS system wherein base station allocation of a number N of packet data channels depends upon fulfilment of the conditions  $N + T_{\text{sub.ra}} + 3 > 8$  and  $N + T_{\text{sub.rb}} + 3 \leq 8$  in respect of the mobile station, where  $T_{\text{rb}}$  is the time needed for the mobile station to get ready to receive (**Oksala discloses the overall concept of dynamic resource allocation where specific time slots are allocated for downlink and uplink communications on a given channel by means of the timing advance value and timing advance index allocated to the mobile station; Col. 6, line 46-Col. 7, line 10).**

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
SLP

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER